

## UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America )

v. )

DANIEL CHAVEZ )

Case No: 05-cr-117-01

USM No: \_\_\_\_\_

Date of Previous Judgment: May 23, 2005 )

Chester Keller, AFPD

(Use Date of Last Amended Judgment if Applicable) )

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 60 months is reduced to TIME SERVED.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)Previous Offense Level: 29Amended Offense Level: 27Criminal History Category: ICriminal History Category: IPrevious Guideline Range: 87 to 108 monthsAmended Guideline Range: 70 to 87 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain): The previous term of imprisonment imposed was less than the guideline range because of a Booker variance. In addition to the same §3553 factors that were relied upon at the time of the original sentencing, Defendant has had an exemplary record during his term of imprisonment. Further, the original sentence represented a sentence of 30% below the old guideline minimum of 87 months. A sentence of 49 months would be 30% below the new guideline of 70 months - a sentence which Defendant would have already served.

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated 5/23/05 shall remain in effect.

**IT IS SO ORDERED.**Order Date: July 16, 2008


Judge's signature

Effective Date: July 26, 2008  
(if different from order date)

Dickinson R. Debevoise, U.S.S.D.J.

Printed name and title